

REMARKS

The Office Action dated April 10, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-44 are currently pending in the present application, including independent claims 1, 25-26, 32, 40-41, and 43-44. Specifically, Applicants here add new claim 44 to more particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. Entry of the new claim is respectfully requested because the new claim does not present new subject matter and serves only to place the present application in better condition for examination. All grounds for rejection in the Office Action are currently addressed, and the Applicants respectfully submit that the present application is in condition for allowance in view of the following remarks. Claims 1-44 are therefore presented for reconsideration.

Rejection under 35 U.S.C. §103(a)

Claims 1, 14-15, 24, 26-33, 40 and 42 were rejected as being allegedly obvious in view of the combination of EP 1089515 (Morrow) and U.S. Patent Publication No. 2003/0112828 (Sridhar). Referring, for example, to claim 1, the Office Action took the position that Morrow discloses the limitation of routing the message in the packet data network, and the remaining limitations are disclosed in Sridhar. However, as described in greater detail below, the combination of Morrow and Sridhar fails to disclose each and

every limitation of these claims. Accordingly, this rejection is legally and factually improper and should be withdrawn.

Independent claim 1, upon which claims 2-24 are dependent, recites a method that includes setting a load control information in a predetermined field of a message. The method also includes routing said message in said packet data network. The method additionally includes checking said load control information on the routing path of said message. The method further includes selecting a processing resource of said packet data network in response to the result of said checking of said load control information.

Independent claim 26, upon which claims 27-31 are dependent, recites an apparatus that includes a checking unit configured to check load control information provided in a predetermined field of a message. The apparatus also includes a selecting unit configured to select a processing resource for said message in response to said checking means.

Independent claim 32, upon which claims 33-39 are dependent, recites an apparatus that includes a transmitting unit configured to transmit a message to a packet data network. The apparatus is configured to set into a predetermined field of said message a load control information to select processing resources of said packet data network.

Independent claim 40, upon which claim 42 is dependent, recites a system that includes a first network element for setting a load control information in a predetermined field of a message to be routed in said packet data network. The system also includes a second network element for checking said load control information on the routing path of

said message and for selecting a processing resource of said packet data network in response to the result of said checking of the load control information.

As will be discussed below, the combination of Morrow and Sridhar fails to disclose or suggest all of the elements of any of the presently pending claims.

Morrow generally describes a system for selecting a call control server or call session control functions from a plurality of call control servers to process calls in a telecommunications network (See, abstract of Morrow). However, as described below, Morrow does not disclose or suggest that load control information is set in a pre-determined field of a message, and that the load control information of the message is checked on its routing path. Rather, Morrow merely describes setting a load control information in a route table 24 of a network address translation device NAT 14.

The Office Action took the position that paragraph [0022] of Morrow implicitly teaches “selecting a processing resource of said packet data network in response to the result of said checking step,” as previously recited in claim 1. However, paragraph [0022] of Morrow merely describes using of route table entries “l” and “f” for indicating IP addresses and address translation, respectively. Continuing with Morrow, paragraphs [0023] to [0025] describes checking of the entries of the route table 24.

Morrow arguably discloses a message-based checking operation at paragraph [0029] (not admitted). Specifically, Morrow describes that a route update message may be received by the NAT 14 and checked with respect to the load sharing status of each CSCF. Similarly, in step 76 of Fig. 6C, an alternative is described where the parameters *T* and *n* are told explicitly in the message, such that these parameters are set in this route

update message. However, these parameters are not “load control information,” as recited, for example, in claim 1. For example, *n* indicates how many CSCFs are usable (column 6, lines 21 and 22 of Morrow), and *T* indicates a scope value or scope number (paragraph [0028] of Morrow).

Moreover, Morrow does not disclose or suggest performing a selection of processing resources in response to the result of a checking step in which the control information of the route update message is checked. Specifically, the load control is not suggested to be performed using the route update message itself. Instead, the route update message disclosed in Morrow is a separate load balancing message. In contrast, the pending claims recite that the load balancing information is sent in a normal message with other normal content.

The Office Action alleged that the change of the address field described in paragraph [0024] of Morrow can be regarded as implicitly setting of a load sharing information because the new destination address would contain load sharing information for devices that would receive the packet with the new destination address. Therefore, the Office Action took the position that Morrow implicitly teaches that the load sharing routine implements load sharing through this destination address alteration, wherein the new destination address corresponds to the claimed load control information.

Referring to claim 1, the Office Action admits that Morrow, at best, only implicitly suggests at least the limitations of “setting a load control information in a predetermined field of a message,” “checking said load control information on the

routing path of said message,” and “selecting a processing resource of said packet data network in response to the result of said checking of said load control information.”

In view of these and other deficiencies in Morrow, the Office Action alleged that Sridhar teaches, for example, the claim limitation of setting the load control information in a predetermined field of the message. More specifically, the Office Action asserted that the load balancing fields (206), particularly the LB field, can be regarded as load control information, as the load balancing fields are used to indicate that the packet must be inspected for load balancing purposes.

Referring, for example, to claim 1 of the present application, Applicants note the Sridhar does not cure at least the above described deficiencies in Morrow. For example, according to Sridhar, the LB field is used to trigger a processing between neighboring nodes of the resilient packet ring. Thus, a packet with a load control information is not routed in a packet data network, as recited in claim 1. Furthermore, the load control information in Sridhar is not checked on the routing path, as also recited in claim 1. Rather, Sridhar discloses that the load control information is checked at the other end of a transmission link and is not intended to be routed any further. Finally, the load control information in Sridhar is not used for selecting a processing resource, as recited in claim 1. Sridhar instead discloses using the load control information to select whether the packet is to be returned or not. Applicants urge that this use of the load control information is not equivalent to the limitation in claim 1 of using the load control information to select a processing resource of the packet data network.

For at least these reasons, the combination of Morrow and Sridhar fails to disclose or suggest all of the features of independent claims 1, 26, 32, and 40. Therefore, these claims are allowable over the cited combination of references. Likewise, claims 14-15, 24, 27-33, and 42 are allowable for depending from allowable independent claims, as well as for the separate limitations recited in these claims. Reconsideration and allowance of claims 1, 14-15, 24, 26-33, 40 and 42 are therefore respectfully requested.

Similarly, claim 44, although patentably distinct from claim 1, recites similar limitations and is allowable on corresponding basis. Support for claim 44 can be found, for example, at paragraph [0005] of the corresponding published application that states that “UAs [User Agents] also have an interface to media handling and to the actual application software providing the user interface.”

Furthermore, Applicants urge that the combination of Morrow and Sridhar is legally improper under 35 U.S.C. §103(a). According to the Office Action, a combination of Sridhar and Morrow was obvious, because Sridhar provides end-to-end load balancing between two nodes on a ring, which can be implemented in the above-described system in Morrow. However, Applicants urge that the disclosures of Morrow and Sridhar are technically incompatible and cannot be combined without undue experimentation.

For example, Applicants note that Sridhar relates to load balancing in a resilient packing ring in which wavelength division multiplex is implemented with multiple wavelengths per ring. This type of resilient packing ring includes two uni-directional counter-rotating rings which transport both data and control packets (see, for example,

Sridhar at paragraph [0005]). Load imbalance in Sridhar is defined as the concurrent over-utilization of capacity on one or more links in the resilient packet ring and under-utilization of the capacity of other links in the resilient packet ring (see, for example, Sridhar at paragraph [0011]). Thus, the resilient packet ring described in Sridhar has fixed connection links between the nodes of each unidirectional individual ring, so that node balancing can be achieved simply by a detection and correction feature of a signalling mechanism between two neighboring nodes A and B (see, for example, Sridhar at Fig. 5 and the corresponding description in paragraphs [0052] to [0054]). As also depicted in FIG. 5 of Sridhar, the LB field is simply used to initiate a comparison of delay values, based on which the ring to be used is selected (see, for example, Sridhar at paragraph [0054]).

However, the fixed destination load balancing approach of Sridhar cannot be used in the routed network system of Morrow. Instead, Morrow describes a load sharing mechanism for a distributed processing communications switching system, where a call is assigned to one of several different call control processors. Since packets are routed via different routes in the communication system of Morrow, an address field is required to define the destination of a routed packet which is used at various router nodes to achieve load sharing.

For at least these reasons, the combination of Sridhar and Morrow is improper because the two disclosed configurations are technically incompatible. Thus, Applicants urge that a developer of ordinary skill in the field of communications could not combine the non-network related prior art of Sridhar with the network-related prior art of Morrow.

Reconsideration and allowance of claims 1, 14-15, 24, 26-33, 40, and 44 are therefore further requested on at least this separate legal basis.

Claims 2, 6-8, 10-13, 18-22, and 35 were rejected as being allegedly unpatentable over Morrow and Sridhar, further in view of U.S. Patent No. 5,914,953 (Krause). Specifically, the Office Action alleged that Morrow and Sridhar disclose the limitations of independent claims 1 and 32, and Krause discloses the additional limitations in these dependent claims. However, as described below, this rejection is respectfully traversed because Morrow, Sridhar, and Krause fail to disclose each and every limitation of these claims.

Krause generally describes a processing system that includes multiple processor units and multiple input/output elements communicatively interconnected by a system area network having a plurality of multi-ported router elements.

As discussed above, the combination of Morrow and Sridhar fails to disclose or suggest, at least, “selecting a processing resource of said packet data network in response to the result of said checking of said load control information,” as recited in claims 1 and 32. Krause fails to cure the deficiencies of Morrow and Sridhar, and thus, the combination of Krause, Morrow, and Sridhar fails to disclose or suggest, at least, “selecting a processing resource of said packet data network in response to the result of said checking of said load control information,” as recited in claims 1 and 32. Claims 2, 6-8, 10-13, 18-22, and 35 are dependent upon one of claims 1 or 32. Accordingly, claims 2, 6-8, 10-13, 18-22, and 35 should be allowed at least for their dependencies upon

claims 1 and 32, as well as for the separate limitations recited in these claims. Reconsideration and allowance of these claims are respectfully requested for at least these reasons.

Claim 3-5 and 36 were rejected as being allegedly unpatentable over Morrow in view of Sridhar and Krause, and further in view of U.S. Patent No. 6,678,735 (Orton). Specifically, the Office Action alleged that Morrow, Sridhar, and Krause disclose the limitations of claims 2 and 35, and Orton discloses the additional limitations of each of these dependent claims. However, as described below, this rejection is respectfully traversed because Morrow, Sridhar, Krause, and Orton fail to disclose each and every limitation of these claims.

Orton generally describes a method for communicating using Session Initiation Protocol (SIP). The disclosed method includes providing mechanisms by which client applications will not need to maintain information pertaining to the routing of messages (see, Abstract of Orton).

As discussed above, Morrow, Sridhar, and Krause fail to disclose or suggest, at least, “selecting a processing resource of said packet data network in response to the result of said checking of said load control information,” as recited in claims 1 and 32 . Orton fails to cure the deficiencies of Morrow, Sridhar, and Krause, and, thus, the combination of Morrow, Sridhar, Krause, and Orton fails to disclose or suggest, at least, “selecting a processing resource of said packet data network in response to the result of said checking of said load control information,” as recited in claims 1 and 32 . Claims 3-

5 and 36 are dependent upon claims 1 and 32. Accordingly, claims 3-5 and 36 should be allowed at least for their dependencies upon claims 1 and 32, as well as for the separate limitations recited in these claims. Reconsideration and allowance of these claims are respectfully requested for at least these reasons.

Claims 9 and 34 were rejected as being allegedly unpatentable over Morrow in view of Sridhar and Krause, and further in view of U.S. Patent No. 7,177,642 (Sanchez Herrero). For example, the Office Action alleged that Morrow, Sridhar, and Krause disclose the limitations of claim 8, and Sanchez Herrero discloses the additional limitation in claim 9 that “subfields are separated by a predetermined bit string, character, or character string”. However, as described below, this rejection is respectfully traversed because Morrow, Sridhar, Krause, and Sanchez Herrero fail to disclose each and every limitation of these claims.

Sanchez Herrero generally describes a method for supporting multiple registration from the same user requested from different terminals in a telecommunications system that requires management of information related to the location of the user and related to the plurality of identifiers that identify the user in that system (See, Abstract of Sanchez Herrero).

As discussed above, Morrow, Sridhar, and Krause fail to disclose or suggest, at least, “selecting a processing resource of said packet data network in response to the result of said checking of said load control information,” as recited in claims 1 and 32. Sanchez Herrero fails to cure the deficiencies of Morrow, Sridhar, and Krause , and, thus,

the combination of Sanchez Herrero, Morrow, Sridhar, and Krause also fails to disclose or suggest, at least, “selecting a processing resource of said packet data network in response to the result of said checking of said load control information,” as recited in claims 1 and 32. Claims 9 and 34 are dependent upon an allowable claims 1 or 32, and claims 9 and 34 are accordingly also allowable at least for at least this reason, as well as for the separate limitations recited in these claims. Reconsideration and allowance of these claims are respectfully requested for at least these reasons.

Claim 16 was rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Morrow in view of Sridhar, Krause, Orton, and Sanchez Herrero. Specifically, the Office Action alleged that Morrow, Sridhar, and Krause discloses each element of claim 14, and Orton and Sanchez Herrero disclose the additional limitations of header field of a SIP message and contact headers. As described below, this rejection is respectfully traversed because Morrow, Sridhar, Krause, Orton, and Sanchez Herrero fail to disclose each and every limitation of claim 16.

As discussed above, Morrow, Sridhar, Krause, Orton, and Sanchez Herrero fail to disclose or suggest, at least, “selecting a processing resource of said packet data network in response to the result of said checking of said load control information,” as recited in claim 1. Claim 16 is dependent upon claim 1. Accordingly, claim 16 should be allowed at least for its dependency upon claim 1, as well as for the separate limitations recited in this claim. Reconsideration and allowance of claim 16 are respectfully requested for at least these reasons.

Claim 17 was rejected as being allegedly unpatentable over Morrow and Sridhar in view of U.S. Patent No. 6,501,767 (Inoue). Specifically, the Office Action alleged that Morrow and Sridhar disclose each limitation of claim 17, except for encryption of transmitted packets, but assert that Inoue cures this deficiency. However, as described below, this rejection is respectfully traversed because Morrow, Sridhar, and Inoue fail to disclose each and every limitation of these claims.

Inoue generally relates to a mobile IP communication scheme for supporting a mobile computer moving over different address spaces. In Inoue, A packet relay device for relaying packets having an address of the mobile computer device as a destination or source is provided at a border between a private address space and a global address space, where the packet relay device has a packet receiving unit for receiving a packet in a first format using a global address which is transmitted by the mobile computer for a location registration from a visited site managed by a global address system, and checking a content of the packet, and a packet transfer unit for transferring the packet in a second format using a private address, to a correspondent computer in a home network of the mobile computer managed by a private address system, according to the content of the packet.

As discussed above, Morrow and Sridhar fail to disclose or suggest, at least, “selecting a processing resource of said packet data network in response to the result of said checking of said load control information,” as recited in claim 1. Inoue does not relate to load control information and therefore fails to cure at least this deficiency in

Morrow and Sridhar. Thus, the combination of Morrow, Sridhar, and Inoue also fails to disclose or suggest, at least, “selecting a processing resource of said packet data network in response to the result of said checking of said load control information,” as recited in claim 1. Claim 17 is dependent upon an allowable claims 1 and are therefore also allowable at least for at least this reason, as well as for the separate limitations recited in claim 17. Reconsideration and allowance of claim 17 are respectfully requested for at least these reasons.

Claims 23 and 37-39 were rejected as being allegedly unpatentable over Morrow and Sridhar in view of Krause, and further in view of U.S. Patent No. 6,115,361 (Fredericks). Similarly, claims 25 and 41 were rejected as being allegedly unpatentable over Morrow and Sridhar in view of Fredericks. Specifically, the Office Action alleged that Fredericks is relevant to the limitation of a network element receiving a packet and recognizing, based on the contents of the packet, that enclosed payload is not regular information traffic. This rejection is respectfully traversed for at least the reasons described below.

Independent claim 25 recites a method that includes creating a first load control information in a first network element. The method also includes setting said first load control information into a predetermined field of a message. The method additionally includes routing said message to a second network element. The method further includes storing said first load control information in said second network element. The method also includes creating a second load control information in said second network element.

The method additionally includes setting said second load control information into a predetermined field of a second message. The method also includes routing said second message to said first network element. The method includes storing said second load control information at said first network element.

Independent claim 41 recites a system that includes a first network element configured to create a first load control information and configured to set said first load control information into a predetermined field of a message. The system also includes a second network element for configured to receive said message, to store said first load control information, to store a second load control information, to set said second load control information into a predetermined field of a second message, and to route said second load control information to said first network element. The first network element is configured to store said second load control information.

As will be discussed below, the combination of Fredericks, Morrow, and Sridhar fails to disclose or suggest all of the elements of any of the presently pending claims.

Fredericks generally describes a method for implementing a link level service in a computer network having a first port device and a second port device coupled by a communication link (See, abstract of Fredericks). For example, Fredericks discloses implementing a link level service in a computer network having a first port device and a second port device coupled by a communication link. Prior to a link incident being reported, the first port device executes a link incident record registration (LIRR) ELS message addressed to the second port device. The second port device responds to the LIRR by adding an address of the first port device to a registration list of ports registered

to receive link incident reports. The second port device also responds to the LIRR by sending an accept reply message addressed to the first port device. After a link incident is detected by the second port device, the second port device generates a link incident record comprising data describing the link incident. The second port device selects an address from the registration list sends a registered link incident record ELS message addressed to the selected address

As previously discussed, Sridhar, Morrow, and Krause fail to disclose or suggest, at least, “selecting a processing resource of said packet data network in response to the result of said checking of said load control information,” as recited in claims 1, 26, 32, and 40. As described above, Fredericks does not relate to this limitation and therefore fails to cure the deficiencies of Sridhar, Krause, and Morrow, and, thus, the combination of Sridhar, Morrow, Krause, and Fredericks fails to disclose or suggest, at least, selection of a processing resource of a packet data network in response to the result of a checking of said load control information as recited in claims 1, 26, 32, and 40. Although patentably distinct, claims 25 and 41 also recite similar limitations and should also be allowed over Sridhar, Morrow, and Fredericks on similar basis, as well as for the separate recited limitations in claims 25 and 41. As such, it is respectfully requested that the rejection of claims 25 and 41 be withdrawn. Claims 23 and 37-39 are dependent upon claims 1 and 32. Accordingly, claim 23 and 37-39 should be allowed at least for their dependencies upon claims 1 and 32, as well as for the separate limitations recited in claim 17. Reconsideration and allowance of claims 23, 25, 37-39, and 41 are, therefore, respectfully requested for at least these reasons.

Claim 43 was rejected as being allegedly unpatentable over Morrow in view of Sridhar and Sanchez Herrero. However, as described below, this rejection is respectfully traversed because Morrow, Sridhar, and Sanchez Herrero fail to disclose each and every limitation of claim 43.

Independent claim 43 relates to an apparatus that includes checking means for checking load control information provided in a predetermined field of a message. Selecting means in the apparatus select a processing resource for said message in response to said checking means. As will be discussed below, the combination of Sanchez Herrero, Morrow, and Sridhar fails to disclose or suggest all of the elements of claim 43.

As discussed above, Morrow, Sanchez Herrero, and Krause fail to disclose or suggest, at least, “selecting a processing resource of said packet data network in response to the result of said checking of said load control information,” as recited in claims 1 and 32. Claim 43 includes the limitation of selecting means for selecting a processing resource for the message in response to the checking means. Although patentably distinct from claims 1 and 32, claim 43 should therefore also be allowable for similar reasons, as well as for the separate recited limitations in claim 43. Reconsideration and allowance of claim 43 are respectfully requested for at least these reasons..

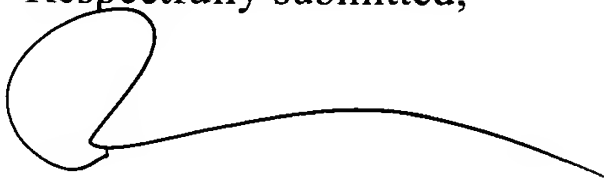
Conclusion

For at least the reasons discussed above, it is respectfully submitted that the cited prior art fails to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 1-44 be allowed, and this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



David D. Nelson
Registration No. 47,818

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
8000 Towers Crescent Drive, 14TH Floor
Vienna, Virginia 22182-6212
Telephone: 703-720-7800
Fax: 703-720-7802
DDN/cqc

Enclosures: Additional Claims Transmittal
Check No. 019148